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**Committee:** Security Council

**Position:** Deputy Chair

**Issue:**

Measures to prevent clashes or armed conflict over maritime disputes in the South China Sea

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## 1 Introduction

The South China Sea is a marginal sea that is part of the Pacific Ocean, encompassing an area from the Singapore and Malacca Straits to the Strait of Taiwan of around 3,500,000 square kilometres, featuring hundreds of tiny land structures and a rich content of natural resources.

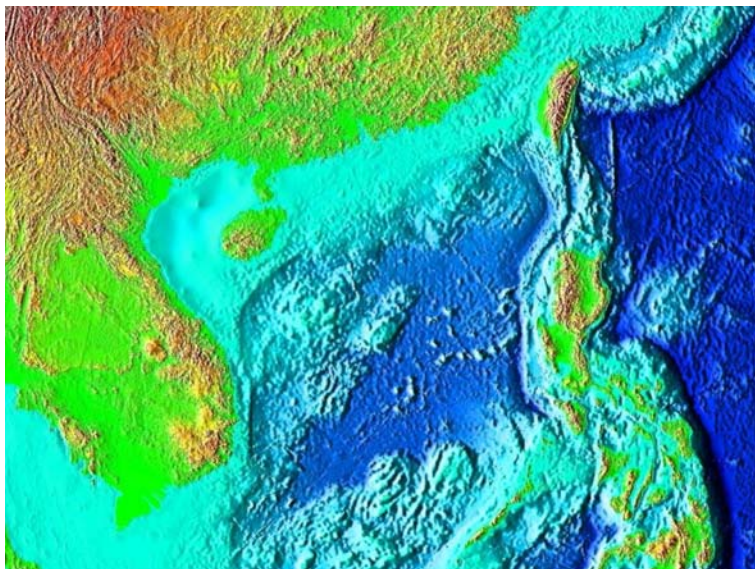


Figure 01 The South China Sea: A screenshot from NASA's globe software World Wind

The contentious dispute over the strategic interests, the rights of maritime navigation and resources exploitation or development of the territory has led to decades of impasse, involving six key players in region – Brunei, China, Malaysia, the Philippines, Taiwan, and Vietnam.

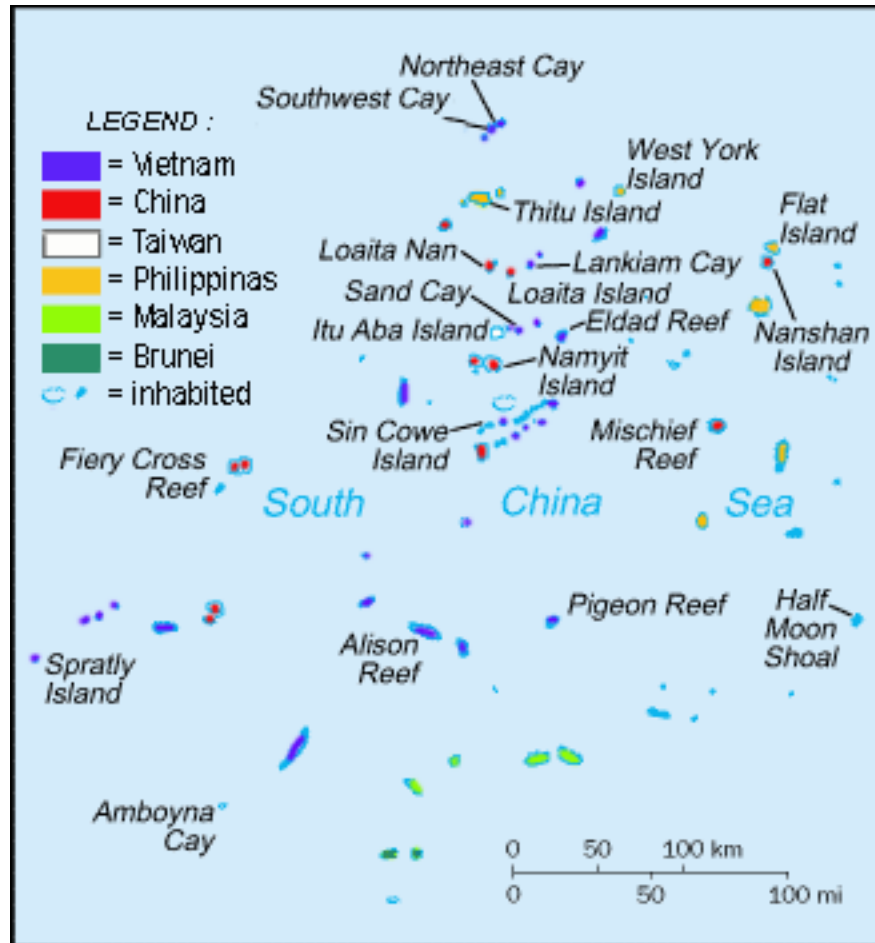


Figure 02 Spratly Islands Military Settlements

Tension among the six players for their overlapping claims to the islands in the sea has escalated in recent years due to various factors, including the announcement of its rich resource content, the development in the balance of power in the region and the rhetoric of nationalism, etc. This research report is intended to examine why such growing tension must be kept in check and how actions could be considered by the international community to minimise the prospects of a military confrontation.

## 2 Key Terms Defined

Important Terms	Definition
Shipping lanes	A sea lane or shipping lane is a regularly used route for ocean-going and Great Lake vessels. Sea lanes are very important for trade by sea. In the case of South China Sea, one-third of the world's shipping transits through its waters

<b>Freedom of navigation</b>	A principle of customary international law that, apart from the exceptions provided for in international law, ships flying the flag of any sovereign state shall not suffer interference from other states. This right is codified as article 87(1)a of the 1982 UNCLOS but not all UN member states have ratified the convention (including the United States)
<b>Bilateral conflict resolution<sup>i</sup></b>	In bilateral action, both parties participate in the dispute resolution process. The bilateral action requires cooperation of the disputing parties and means that the parties must agree on the dispute resolution process and its outcome. In other words, the bilateral action is a dispute negotiation process. During the negotiation, the parties resolve their own dispute. The role of both parties is more required rather than a third party's intervention. Negotiation is a voluntary dispute resolution process and hence both parties establish their own process to settle the dispute. The parties to the agreement will not accept any third party's assistance in any mode of discussion.
<b>Multilateral conflict resolution<sup>ii</sup></b>	In international relations, multilateralism is multiple countries working in concert on a given issue. Multilateralism was defined by Miles Kahler as "international governance of the 'many,'" and its central principle was "opposition [of] bilateral discriminatory arrangements that were believed to enhance the leverage of the powerful over the weak and to increase international conflict." In 1990, Robert Keohane defined multilateralism as "the practice of coordinating national policies in groups of three or more states.

### 3 General Overview of the Topic

Rivalry over the resources and the control of the shipping lanes in the sea has been the immediate cause of many sporadic incidents of confrontations in recent years.

As a location with great geopolitical significance, many other players outside the region are heavily involved in this dispute as well, with an unclear intention for many cases.

An important development that should be noted: when the United Nations Convention on the Law of the Sea was introduced, which came into effect on November 16, 1994, a more intense territorial dispute between the parties ensued.

As of 2012, all of the Paracel Islands are under Chinese control. Eight of the Spratly Islands are under Chinese control; Vietnamese troops have seized the greatest number of Spratly islands, 29. Eight islands are controlled by the Philippines, five by Malaysia, two by Brunei and one by Taiwan.



Figure 03 Maritime Claims in the South China Sea

([http://www.southchinasea.org/files/2011/08/southChinaSea\\_claims-RyanMorris1.jpg](http://www.southchinasea.org/files/2011/08/southChinaSea_claims-RyanMorris1.jpg))

#### 4 Major Parties Involved and Their Positions

*China (People's Republic of China)* <sup>iii</sup>

An abstract from the publication by Global Times, an English newspaper published by the Xinhua News Agency, a state-controlled media company:

- Foreign ministry spokesman Hong Lei said that China's position on the South China Sea is clear and consistent, noting China has indisputable sovereignty over the South China Sea islands, and their adjacent waters. The core of the South China Sea issue is the differences in opinions regarding territorial sovereignty of islands and reefs in the sea, and the demarcation of part of the sea area.
- China is committed to a peaceful resolution of the South China Sea issue through bilateral dialogues and consultations with related parties. We will not resort to the use of force or the threat of force. China is safeguarding its own legitimate rights, not infringing upon others.

*Taiwan (Republic of China)*

Based on the analysis of Joel Atkinson<sup>iv</sup>, the lecturer on Taiwan Studies of the Monash University, the involvement of Taiwan in this conflict seems to be more complicated than one could expect due to its relations with the Mainland China and the USA.

On 19 April 2011, Taiwan's Foreign Minister Timothy Yang announced that rather than the army, the more elite and amphibious warfare-ready marines will train the coast guard personnel stationed in the South China Sea. There are apparently no plans to increase personnel levels over the current 105 on Taiping Island (Itu Aba) in the Spratly group and the 162 on Pratas Island, or to upgrade their weapons systems.

Since democratisation, Taiwan's presidents have essentially asserted sovereignty over only the territory over which the State has effective control, although the Taiwanese government continues to claim the entire South China Sea as ROC territory.

Taiwan's claim is driven by important interests. Taiwan's presence in the Pratas and Spratlys gives Taiwan a degree of strategic depth in relation to China's submarine fleet. Taiwan is also dependent on energy imports, and the Spratlys region is said to hold large energy reserves. In addition, Taiwan has a very large fishing industry, and wants access to as much of the region's fisheries as possible. Uniquely among the claimants, Taiwan's China-imposed international isolation means it also has a strong interest in simply being involved in international discussions and being treated as a nation-state.

Taiwan has pursued these interests through a mix of good will and assertiveness. Taiwan replaced the marines stationed on its two islets with coast guard personnel a decade ago in an attempt to reduce tensions (and costs). Taiwan has also repeatedly called for the cooperative development of the region's resources.

Taiwan's relationship with China shapes its involvement to a large extent. China does not see Taiwan as a rival claimant. While China might not go as far as to attack Taiwan if it dropped its claim to the South China Sea, it would nevertheless react hysterically.

Most importantly, Taiwan relies on the US for security from China, and does not share China's aim of pushing the US out of the South China Sea or intimidating regional countries into capitulation.



Figure 04 Spratly islands map showing occupied features marked with the flags of countries occupying them.

([http://upload.wikimedia.org/wikipedia/commons/3/36/Spratly\\_with\\_flags.jpg](http://upload.wikimedia.org/wikipedia/commons/3/36/Spratly_with_flags.jpg))

### *The Philippines*

These tensions between the Philippines and China have worsened since Chinese government vessels seized the Scarborough Shoal, a South China Sea outcrop just 230 kilometres (140 miles) east of the main Philippine island of Luzon in 2012.

The Philippines has complained about the presence of Chinese navy vessels near the Manila-controlled Second Thomas Shoal in the Spratly Islands.

The Philippines has one of the most poorly-equipped militaries in the region and has been trying to beef up its armed forces in the face of the maritime disputes.

The Philippines announced recently on 3<sup>rd</sup> August 2013 that it is purchasing a surplus French Navy vessel to boost its forces in the South China Sea where it has an ongoing territorial dispute with China.<sup>v</sup>

The 26-year-old "La Tapageuse" vessel is likely to be the first of several French ships that will be acquired by the Philippine coastguard as it contends with increasingly assertive Chinese forces.

With China's foreign minister wrapping up a two-day trip to Vietnam yesterday, the Philippines becomes the only claimant country in the South China Sea dispute that Wang Yi has not visited.<sup>vi</sup>

#### *United States<sup>vii</sup>*

An abstract from the press statement by Patrick Ventrell, the Acting Deputy Spokesperson, Office of Press Relations of the State Department on 3<sup>rd</sup> August 2012:

As a Pacific nation and resident power, the United States has a national interest in the maintenance of peace and stability, respect for international law, freedom of navigation, and unimpeded lawful commerce in the South China Sea. We do not take a position on competing territorial claims over land features and have no territorial ambitions in the South China Sea; however, we believe the nations of the region should work collaboratively and diplomatically to resolve disputes without coercion, without intimidation, without threats, and without the use of force.

- We are concerned by the increase in tensions in the South China Sea and are monitoring the situation closely.
- The United States urges all parties to take steps to lower tensions in keeping with the spirit of the 1992 ASEAN Declaration on the South China Sea and the 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea.
- We continue to urge all parties to clarify and pursue their territorial and maritime claims in accordance with international law, including the Law of the Sea Convention.
- Asia-Pacific nations all have a shared stake in ensuring regional stability through cooperation and dialogue. To that end, the United States actively supports ASEAN unity and leadership in regional forums and is undertaking a series of consultations with ASEAN members and other nations in the region to promote diplomatic solutions and to help reinforce the system of rules, responsibilities and norms that underpins the stability, security and economic dynamism of the Asia-Pacific region.

Further reading



- The United States heads to the South China Sea – Why American involvement will mean more friction, not less:  
<http://www.foreignaffairs.com/articles/136227/michael-t-klare/the-united-states-heads-to-the-south-china-sea>

## 5 Timeline of Events<sup>viii</sup>

Date	Event
1946	<p><i>China claims Spratly Islands:</i></p> <p>China declares the Spratly Islands as part of Guangdong province</p> <p><i>Japan officially relinquishes empire:</i></p>
1951	The Treaty of San Francisco, signed by Japan and a host of Allied power, officially ends WWII and Japan's empire, annulling Japan's entire claim to the South China Sea Islands. However, no official resolution is reached on sovereignty over the Spratly
1974	<p><i>China captures Paracel Islands:</i></p> <p>China seizes military installations occupied by South Vietnam's armed forces in the Paracel Islands and reasserts its claims of sovereignty over the Spratlys</p> <p><i>Vietnamese sailors killed in skirmish with China:</i></p>
1988	<p>Tensions between China and Vietnam in the South China Sea boil over after 70 Vietnamese sailors are killed in a naval battle between the two nations near the Spratlys</p> <p>China occupied six reefs and atolls in the Spratly Islands by the end of 1988 due to its victory<sup>ix</sup></p>
February 1992	<p><i>China invokes international law to expand sea territory:</i></p> <p>China passes the "Law on Territorial Sea and the Contiguous Zone of the PR China"</p> <p><i>China captures Philippine military instalments:</i></p>
1995	China occupies the Philippines-claimed Mischief Reef in the Spratlys, just over 130 miles off the Philippine coast. The reef is roughly 700 miles from China's nearest island, Hainan, and well inside the Philippines' "exclusive economic zone" (EEZ), a term first used in the United Nations' Law of the Sea
May 2000	<i>Philippine troops kill Chinese fisherman, arrest seven:</i>



	<p>A Chinese fisherman is killed and seven others arrested by Philippine troops near the island of Palawan after they crossed into Philippine territorial waters</p> <p><i>The Declaration on the Conduct of Parties in the South China Sea</i></p>
<b>2002</b>	<p>Available at: <a href="http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea">http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea</a></p>
	<p><i>US, Vietnam engage in joint naval drills:</i></p>
<b>July 2011</b>	<p>The United States and Vietnam conduct a series naval drills in the South China Sea in response to China's growing assertiveness in the region</p> <p><i>Gas giant discovers oil field off Vietnam's coast:</i></p>
<b>October 2011</b>	<p>Energy Giant Exxon Mobil discovers oil off the coast of central Vietnam, a section of the South China Sea that lies within the area claimed by China. The discovery prompts Philippine and Vietnamese leaders to agree to reinforce their maritime cooperation in the region</p>
	<p><i>China launches aircraft carrier:</i></p>
<b>December 2011</b>	<p>Satellite images reveal China's first aircraft carrier, Varyag, sailing in the Yellow Sea</p>
<b>May 2012</b>	<p>Taiwan rejected a pan-Chinese approach of coordinating with the PR China in asserting claims to the South China Sea<sup>x</sup></p>
	<p><i>Increasing assertiveness by the Chinese energy giant:</i></p>
<b>June 2012</b>	<p>The state-owned China National Offshore Oil Corporation (CNOOC) responded to on-going tensions with Vietnam by declaring nine new offshore oil and gas blocks open for bids from foreign companies</p> <p><i>US announces shift in naval deployment toward Asia:</i></p>
<b>June 2012</b>	<p>US Defence Secretary Leon Panetta lays out the United States' plan to revamp its naval deployment across the world's oceans during his visit to Asia, shifting from a 50-50 split between the Atlantic and Pacific Oceans to 60 per cent in the Pacific by 2020</p>
	<p><i>China to formally garrison disputed South China Sea:</i></p>
<b>July 2012</b>	<p>China's powerful Central Military Commission has approved the formal establishment of a military garrison for the disputed South China Sea, in a move which could further boost tensions in already fractious region</p> <p><i>Renaming of the South China Sea by the Philippines:</i></p>
<b>September 2012</b>	<p>Philippine President Benigno Aquino signed an order renaming South China Sea waters within the country's exclusive economic zone (EEZ) West Philippine Sea<sup>xi</sup></p>
<b>December</b>	<p><i>Indian Navy intends to operate in the South China Sea:</i></p>

2012

In an interview with the Times of India, Philippines Vice President Binay welcomed the statement made by Indian Navy Admiral Joshi who stated that Indian Navy is prepared to operate in the South China Sea<sup>xii</sup>

July 2013

Asean and China agreed to hold consultations on a "code of conduct" for the South China Sea at the senior official level in order to promote good governance for peace, stability and cooperation in the disputed waters.

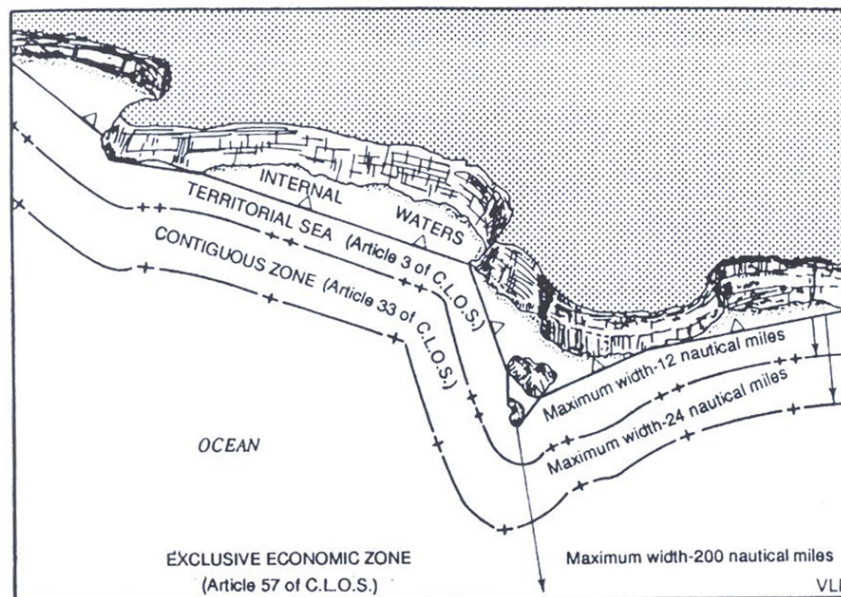
## 6 Related UN/International Community Actions

Delegates should take note of the following documents by the United Nations and its subordinate organisations

- a) UN Convention on the Law of the Sea (Available at:  
[http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf))

It is important to note that UNCLOS IS NOT a convention on management of territorial disputes among nations. Delegates should be aware that under the international law, maritime claims are determined by sovereignty over land and UNCLOS is a treaty solely developed for maritime disputes with concluded territorial boundaries. This implies that claims of sovereignty of the land structures in the sea are the focal point of the contention rather than overlapping Contiguous Zone, Exclusive Economic Zones, etc.

[www.middlebury.edu/~scs](http://www.middlebury.edu/~scs)



Source: Forbes, Vivian Louis, The Maritime Boundaries of the Indian Ocean Region, Singapore, Singapore U. Press, 1995.

Figure 05 Maritime Jurisdictions – UNCLOS Guidelines

(<http://www.southchinasea.org/files/2011/08/Maritime-jurisdictions-V.-L.-Forbes1.jpg>)

- b) Declaration on the Conduct of Parties in the South China Sea (available at: <http://www.asean.org/asean/external-relations/china/item/declaration-on-the-conduct-of-parties-in-the-south-china-sea>)

The signatory countries pledged to resolve their sovereignty disputes in a peaceful manner, without resorting to the use of force and through direct negotiations among the countries concerned

There are other important related bilateral or multilateral treaties produced by involved parties in this conflict as well. Delegates should research on such treaties or agreements relevant to their countries in understanding the stances of the countries he/she is representing.

## 7 Possible Solutions

Discussion on resolving the dispute per se in the short term or medium term is allowed but not encouraged in this committee as evidently in the short run, the existing international legal framework (i.e. UN Convention on the Law of the Sea or International Court of Justice) is unable to execute its arbitration.

Delegates should consider the following aspects of the solutions to the issue in their preparation for the conference:

- a) The necessity to clarify **the area of dispute itself** before the actual discussion on the solutions to prevent military clashes, in another word, the claimants must first agree on what is disputed;
- b) Measures to encourage concessions by the claimants, be it entente or détente;
- c) **Joint development** of the disputed resources (including fisheries, oil and gas resources), as recommended by many notable researchers in international relations, can be a viable solution if an actual settlement of the territorial sovereignty is unresolvable
- d) Distinction between **bilateral negotiations** as proposed by the PR China and **multilateral resolution** as proposed by most ASEAN countries

## 8 Conclusion

This research report serves as an introductory guide to the issue of South China Sea, which is neither comprehensive nor most updated. Delegates are encouraged to monitor the developments in the region (e.g. formation of strategic partnership between Singapore and Vietnam on 12 Sept 2013) and read up on the issue broadly.

## 9 Bibliography

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